

Congress of the United States
Washington, DC 20515

October 11, 2005

The Honorable Patrick Fitzgerald
United States Attorney
United States Attorney's Office for the
Northern District of Illinois
219 S. Dearborn Street
Chicago, IL 60604

Dear Mr. Fitzgerald:

We write to seek your assurance that, upon completion of your long-running investigation into the leak of a CIA operative's name, you will submit a final and public report to Congress of all indictments, convictions, and any decisions not to prosecute. Such a report would ensure Congress and the American people that the investigation of this serious matter has been undertaken with the utmost diligence and has been free of partisan, political influence.

When then-Deputy Attorney General James B. Comey announced your appointment on December 30, 2003, he stated that you would be a special counsel outside the Department's normal chain of command. In fact, the letter indicating your appointment stated you would "exercise [the authority of Special Counsel] independent of the supervision or control of any officer of the Department."¹ Comey later clarified that not only did you have jurisdiction over the leak and any related offenses, such as conspiracy and perjury and obstruction of justice, but also that "[his] conferral on you of the title of 'Special Counsel' in this matter should not be misunderstood to suggest that your position and authorities are defined and limited by [the Department's special counsel regulations]."² As a result, you have plenary authority to direct the investigation and notify the American public of your progress.

Such a report would be essential for Congress to ensure the effectiveness of our oversight responsibilities as we seek to do all we can to protect the men and women who go in harm's way by serving America as undercover intelligence officers. Should your inquiry reveal that existing legal authorities are insufficient to ensure successful prosecution of these kinds of breaches, Congress should be made aware of that fact immediately. Congress and the administration have a responsibility to ensure that our judicial system has the tools necessary to ensure that those who

¹Letter from the Honorable James B. Comey, Acting Attorney General, U.S. Dep't of Justice, to the Honorable Patrick J. Fitzgerald, U.S. Attorney (Dec. 30, 2003).

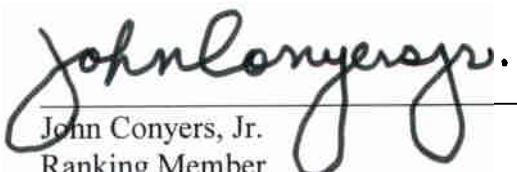
²Letter from the Honorable James B. Comey, Acting Attorney General, U.S. Dep't of Justice, to the Honorable Patrick J. Fitzgerald, U.S. Attorney (Feb. 6, 2004).

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violate oaths to protect classified information and the identities of federal undercover intelligence officers are brought to justice.

We trust you will inform Congress of your results upon the completion of your important investigation.


Sincerely,




John Conyers, Jr.
Ranking Member
Committee on the Judiciary



Jane Harman
Ranking Member
Permanent Select Committee on
Intelligence



Tom Lantos
Ranking Member
Committee on International Relations



Rush Holt
Ranking Member
Subcommittee on Intelligence Policy